

Notice of Allowability

Application No.

10/804,995

Examiner

AARON J. LEWIS

Applicant(s)

DOLEZAL ET AL.

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/15/2006 (TELEPHONIC INTERVIEW).
2. ☒ The allowed claim(s) is/are 1,3,5-12,14-16,18-27,29-31,33 and 35-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


Aaron J. Lewis
Primary Examiner

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher Hilberg on 03/15/2006.

The application has been amended as follows: In claim 1, line 5, the second recitation of "...and..." has been deleted; in line 10, --and a first open frame extending distally fro the first base member, and a second open frame extending distally from the second base member;--has been inserted after "...members;..."; in line 16, --, and wherein each of the open frames is disposed between its associated filtering medium and associated nasal wall when the associated filtering medium is in the working position—has been inserted after "...media." but before the period.

Claims 2 and 4 have been cancelled.

In claim 3 line 1, "...2..." has been deleted and -1—has been substituted therefor.

In claim 5, line 1, "...4..." has been deleted and -1—has been substituted therefor.

In claim 6, line 1, "...4..." has been deleted and -1-- has been substituted therefor.

Claim 13 has been cancelled.

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New claim 36 has been added as follows: --36. A breathing air filtration device, including: a concave-convex first filtering medium having a first rim at a proximal end thereof and defining a first opening surrounded by the first rim; a concave-convex second filtering medium having a second rim at a proximal end thereof and defining a second opening surrounded by the second rim; and a support structure including a first base member coupled integrally with respect to the first rim to support the first filtering medium, a second base member coupled integrally to the second rim to support the second filtering medium, and a connecting member coupled integrally to the first base member and the second base member and extended between the first and second base members; the support structure further includes first and second tabs associated with the first and second base members, respectively, and extending in opposite directions away from the associated base members; wherein the base members of the support structure are positionable at the nasal cavity entrances, with the connecting member spanning the septum, to place each of the first and second filtering media in a working position in which the filtering medium projects distally into an associated one of the nasal cavities, whereby air entering each nasal cavity passes through the associated one of the first and second openings, and further passes through the associated one of the first and second filtering media.--

In claim 14, line 1, "...13..." has been deleted and --36-- has been substituted therefor.

Claim 17 has been cancelled.

New claim 37 has been added as follows: --37. A breathing air filtration device, including: a concave-convex first filtering medium having a first rim at a proximal end thereof and defining a first opening surrounded by the first rim; a concave-convex second filtering medium having a second rim at a proximal end thereof and defining a second opening surrounded by the second rim; and a support structure including a first base member coupled integrally with respect to the first rim to support the first filtering medium, a second base member coupled integrally to the second rim to support the second filtering medium, and a connecting member coupled integrally to the first base member and the second base member and extended between the first and second base members; a third base member positionable against a face in surrounding relation to a mouth and defining an air flow opening coincident with the mouth, and a third filtering medium mounted to the third base member and disposed over the air flow opening; wherein the base members of the support structure are positionable at the nasal cavity entrances, with the connecting member spanning the septum, to place each of the first and second filtering media in a working position in which the filtering medium projects distally into an associated one of the nasal cavities, whereby air entering each nasal cavity passes through the associated one of the first and second openings, and further passes through the associated one of the first and second filtering media.--

In claims 18 and 19, line 1 of each claim, "...17..." has been deleted and --37-- has been substituted therefor.

In claim 21, line 10, --and first open frame extended distally from the first base member, and a second open frame extended distally from the second base member— has been inserted after "...members;..."; in line 15, --wherein each of the open frames is disposed between its associated filter and the nasal wall in the working position—has been inserted after "...wall...." but before the period.

Claim 28 has been cancelled.

In claim 29, line 1, "...28..." has been deleted and --21—has been substituted therefor.

Claim 32 has been cancelled.

In claim 33, line 1, "...32..." has been deleted and --38—has been substituted therefor.

New claim 38 has been added as follows: --38. A nasal air filtration device, including: a first filter having an open first proximal end and a distal end, adapted for insertion into a nasal cavity, a second filter having an open second proximal end and a distal end, adapted for insertion into a nasal cavity, and a filter support structure including a first base member coupled with respect to the first proximal end and supporting the first filter, a second base member coupled with respect to the second proximal end and supporting the second filter, a connecting member integrally coupled with respect to the first and second base members and extended between the base members; and first and second tabs associated with the first and second base members, respectively, and extended in opposite directions away from their associated base members; wherein the base members of the filter support structure are

positionable at the entrances to the nasal cavities, with the connecting member spanning the septum, to place each of the first and second filters in a working position in which the filter projects distally into an associated one of the nasal cavities, and is spaced apart from the nasal wall defining its associated nasal cavity to define a passage for accommodating air flow between the filter and the nasal wall.—

Claim 34 has been cancelled.

In claim 35, line 1, "...34..." has been deleted and --39—has been substituted therefor.

New claim 39 has been added as follows: --39. A nasal air filtration device, including: a first filter having an open first proximal end and a distal end, adapted for insertion into a nasal cavity, a second filter having an open second proximal end and a distal end, adapted for insertion into a nasal cavity, and a filter support structure including a first base member coupled with respect to the first proximal end and supporting the first filter, a second base member coupled with respect to the second proximal end and supporting the second filter, a connecting member integrally coupled with respect to the first and second base members and extended between the base members; and a third base member adapted for positioning against a face in surrounding relation to a mouth, and defining an air flow opening coincident with the mouth, and a third filter mounted with respect to the third base member and disposed over the air flow opening; wherein the base members of the filter support structure are positionable at the entrances to the nasal cavities, with the connecting member spanning the septum, to place each of the first and second filters in a working position in

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which the filter projects distally into an associated one of the nasal cavities, and is spaced apart from the nasal wall defining its associated nasal cavity to define a passage for accommodating air flow between the filter and the nasal wall.—

New claim 40 has been added as follows: --40. A nasal air filtration device, including: a first filter having a first proximal end and a first distal end, adapted for insertion into a nasal cavity, a second filter having a second proximal end and a second distal end, adapted for insertion into a nasal cavity, and a filter support structure including a first base member disposed circumferentially about and supporting the first filter, a second base member disposed circumferentially about and supporting the second filter, a connecting member integrally coupled to the first and second base members and extended between the base members; the first base member having a first perimeter region disposed circumferentially about the first base member and extending radially outward therefrom and the second base member having a second perimeter region disposed circumferentially about the second base member and extending radially outward therefrom; wherein the first and second perimeter regions are positionable at entrances to the nasal cavities, forming a contiguous surface engagement with a nasal wall defining its associated nasal cavity, thereby maintaining the first and second base members substantially at the entrances to the nasal cavities, with the connecting member spanning the septum, to place each of the first and second filters in a working position in the nasal cavities.—

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The above changes were made in order to incorporate subject matter from dependent claims that were indicated as being allowable in the office action dated 12/15/2005.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON J. LEWIS whose telephone number is (571) 272-4795. The examiner can normally be reached on 9:30AM-6:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HENRY A. BENNETT can be reached on (571) 272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AARON J. LEWIS
Primary Examiner
Art Unit 3743

Aaron J. Lewis
March 19, 2006